



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
152 STATE HOUSE STATION
AUGUSTA, MAINE
04333



MICHAEL P. CANTARA
COMMISSIONER

JAY BRADSHAW
DIRECTOR

BOARD OF EMS MEETING
AUGUST 2, 2006
9:00 AM
DE CHAMPLAIN CONFERENCE ROOM

MINUTES (CORRECTED VERSION)

Members: Steve Leach, Wayne Werts, Penny Kneeland, Alan Azzara, Jim McKenney, Carol Pillsbury, Oden Cassidy, Roy Woods, Tim Beals, Peter Dipietrantonio, Paul Knowlton, Richard Doughty, Steve Diaz (ex-officio)

Staff: Jay Bradshaw, Ben Woodard, Dawn Kinney, Drexell White, Dave Kingdon

Attorney General's Office: Laura Yustak Smith AAG, Jeremy Eggleton

Regional Coordinators: Joanne LeBrun, Rick Petrie, Steve Corbin (videoconference)

Guest: Steve Bunker

1. Introductions

Jeremy Eggleton, a law student and summer intern with the Attorney General's office was introduced to the Board (Note: Mr. Eggleton arrived during the course of the meeting and introductions were done at that time.)

2. Approval of July 10, 2006, meeting minutes

It was noted that the July 10, 2006, minutes were printed with a date of June 6 & 7, 2006. Staff indicated that the date has been corrected in Maine EMS files.

MOTION: To approve the minutes of the July 10, 2006, meeting with date correction. (Woods: seconded by Cassidy) Unanimous.

3. New Business

a. EMD Rules Review/Approval

Staff reviewed the rulemaking process to date, including the public hearings held the week of July 17, 2006. It was noted that only Maine EMS staff and Board members were in attendance for the Machias and Houlton hearings. Less than 10 persons showed up at each of the hearings in Rockland, Augusta and Bangor, with the Cape Elizabeth and York hearings being the best attended.

There were no written comments received during the rulemaking process.

David Kingdon led the Board through the review of the public hearing comments. Following are the public comments received and the Board's responses:

Chapter 2 – Definitions

§ Section 12.

Bill Zito, Mid-Coast EMS – Asks when the components of the “Emergency Medical Priority Reference System” would be developed and available (line 101).

Response/ Board Action: Commenter was advised that those materials were being drafted and would be available prior to the September 1st Rules adoption date. No change in the Rules was requested or required.

§ Section 13.

Lt. Robert Scammon, York Police – Asking about the definition of the “Emergency Medical Dispatch Service” (line 111), concerned about implications of regionalization taking “Public Safety Answering Point (PSAP)” designation away, thereby removing their qualification to be a Maine-certified EMD Service.

Chief Doug Bracy, York Police – Likewise concerned about the ability to provide continuous updates if there was a disconnect between the flow of information between a PSAP and a non-PSAP dispatch center, versus having that information originate and stay at the dispatch center closest to the action.

Response/ Board Action: Commenters were advised that the PSAP-orientation of the statute was a policy decision of the legislature and not under the purview of these Rules. No change in the Rules was requested or required.

§ Section 31.

Lt. Robert Scammon, York Police – Seeks clarification between definition of EMD provider: individual and agency (line 279).

The Rules definition is from the Statute, and it was explained for the commenter. No change in the Rules was requested or required.

Following review and responses, the Board adopted the proposed changes to Chapter 2 with no additions, deletions or changes to the proposed draft.

Motion: To adopt the proposed changes to Chapter 2 of the Maine EMS rules regarding Emergency Medical Dispatch and to approve the responses to public hearing comments concerning Chapter 2 as contained in these minutes (Woods; second by Kneeland)
Unanimous.

It is noted that Peter Dipietrantonio left the meeting at this point.

Chapter 3-A – Emergency Medical Dispatch Service Certification

§ 1

Jim Ryan, Penobscot Regional Communications Center (RCC) – Inquiry about certification of EMD Services by Maine EMS, in contrast to existing practice of designation (not certification) of PSAPs by the Emergency Services Communications Bureau (ESCB) (line 328, etc.).

Response/ Board Action: Commenter was advised that the role of Maine EMS as certifying entity set forth by statute was a policy decision of the legislature and not under the purview of these Rules. EMS and ESCB staff also described the historical background of Maine EMS' experience in and infrastructure for emergency medical licensing. No change in the Rules was requested or required.

§ 4

Ed Hunt, Cape Elizabeth Public Safety – Requests clarification regarding the status of the quality assurance plan; the “materials required” (lines 372 & 392)

Response/ Board Action: Commenter was advised that those materials were being drafted and would be available prior to the September 1st Rules adoption date. No change in the Rules was requested or required.

Lt. Janine Roberts, Portland Police – Regarding the quality assurance plans & materials required, wanting to know how their input may be included as those criteria are developed. (lines 372 & 392).

Response/ Board Action: Commenter was advised of the opportunities for participation in discussion during EMD Advisory Committee and Maine EMS Board meetings. No change in the Rules was requested or required.

RJ Legere, Sanford Police – Seeking clarification on guidelines and/or requirements for the “EMD Director” (line 375).

Response/ Board Action: Commenter was advised that it was the intention to allow PSAPs the autonomy to use their own criteria in designating an EMD Director, though EMS and ESCB are willing to provide resources material upon request. No specific change in the Rules was requested; Board determined no further specification within the Rules appropriate at this time.

§ 5

Ed Hunt, Cape Elizabeth Public Safety – Requests clarification on the “grace period” for licensing (line 395)

Response/ Board Action: An explanation of the grace period, consistent with other Maine EMS Rules, was explained. No change in the Rules was requested or required.

Gordon Littlefield, Sanford Police – Wants to know what happens if a PSAP is unable to get or remain certified; will they be able to continue to function as a PSAP, or will they be “shut down” (line 388).

Response/ Board Action: The process for maintaining certification and repercussions for non-compliance was explained. No change in the Rules was requested or required.

§ 7

Ed Hunt, Cape Elizabeth Public Safety – Requests clarification on the types of EMD services that must begin “within the first 10 seconds” of the call (line 421).

Response/ Board Action: Commenter referred to the definition of EMD Services (from the Statute) in Chapter 2, Section 14 of the Rules. No change in the Rules was requested or required.

Following review and responses, the Board adopted Chapter 3-A with the following additions, deletions or changes to the proposed draft:

§ 2: Changed “Location” to read “Physical address or location of Emergency Medical Dispatch Service.” (*clerical – provides better clarity per AAG*)

§ 4.1.B.1: Changed “complies with the requirements of the Maine EMS-approved...” to read “complies with the requirements of 32 M.R.S.A. §85-A, the Rules, and [the Maine EMS-approved]...” (*clerical*)

§ 4.1.B.5: Added “for EMD” to the end of “complies with the Maine EMS Quality Assurance/Quality Improvement plan (*clerical*)

§ 7.1: Changed “are processing in accordance with the Maine EMS-approved...” to read “are processing in accordance with 32 M.R.S.A. §85-A, [the Maine EMS-approved...]” (*clerical*)

Motion: To adopt Chapter 3-A of the Maine EMS rules regarding Emergency Medical Dispatch with the additions, deletions or changes noted above, and to approve the responses to public hearing comments concerning Chapter 3-A, as contained in these minutes (Woods; second by Kneeland) Unanimous.

Chapter 5-A – Emergency Medical Dispatcher Certification

§3.

Blagdon, Kathy; Lincoln County – Inquired about the requirement to report the dispatcher’s termination or resignation within five days (line 487). She stated that this might be difficult for service managers, and requested that that time frame be lengthened if possible.

Bunker, Stephan; Emergency Services Communications Bureau (ESCB) – ESCB suggests slightly longer timeframe, perhaps around 30 days, aligned with law enforcement paradigm.

Adam Miceli, Rockland Fire & Rescue – Concerned about adherence to the requirement (line 487) to report the dispatcher’s termination or resignation.

Response/ Board Action: Maine EMS Board found that the requirement to report termination or resignation is logically related to statutory requirement to report employment status; the timeframe of

five (5) days is consistent with other Maine EMS Rules. Therefore, the Board did not make any change to the content of the Rule. However, Section 3.2.F was reformatted to become Section 3.3 to provide greater clarity. Clarification was also provided for commenters that by statute it is the responsibility of the employee, not employer, to provide this information to Maine EMS.

Stephanie Gibbs, Knox Regional Communications – Curious about why the state would need to know about an individual EMD's employment status, versus what level of training they had achieved. Also seeking clarification on distinction between the “national” training programs and the Maine EMD certification.

Response/Board Action: Clarification about the distinction was provided to the commenter. No change in the Rules was requested or required.

Bill Zito, Mid-Coast EMS – Regarding Scope of Practice, wanted to know whether this portion was in reference to the individual EMD or the EMD service. Also wanted to know whether or not there would be a fee for licensure, and if not why that was not considered.

Response/Board Action: Commenter advised that this reference occurs in Chapter 5-A, which deals with individual EMD certification; Commenter was advised that the statute does not authorize a fee. No change in the Rules was requested or required.

Anthony Favreau, South Portland – Inquiring why continuing education requirements are not parallel to the existing Maine EMS requirements, i.e. 12 hours per year instead of 24 hours over two years regardless of when those hours are accomplished (line 479) Tony Attardo (Scarborough Fire) shares this inquiry and concern.

Response/Board Action: Commenter was advised that the statute set forth these requirements. No change in the Rules was requested or required.

Paul McCarthy, Westbrook Police – Asks whether initial training counts toward continuing education hours (line 479).

Response/Board Action: Commenter was advised that initial training does not count toward continuing education hours. No change in the Rules was requested or required.

Chief Robert Moulton, Scarborough Police – Asks about funding to PSAPs for training. Ed Hunt (Cape Elizabeth Public Safety) asks about whether there is funding for non-PSAPs, leading to a general discussion regarding the limitations of the statute in respect to the coverage of non-PSAPs (versus PSAPs only) in terms of EMD.

Response/Board Action: The funding for PSAPs was described in reference to EMD training and practice. Commenters were referred to the statute and the legislature regarding their broader questions and concerns. No change in the Rules was requested or required.

Denise Whitley, American Heart Association – Comments about discussions possibly returning to the legislature to ask them to broaden the coverage of the statute in respect to inclusion of non-PSAPs for EMD certification.

Response/ Board Action: Ms. Whitley was presenting a comment for the edification of those present. No change in the Rules was requested or required.

§ 4.

Jim Ryan, Penobscot RCC – Concerned about dates of certification: currently his personnel are ‘staggered’ in the renewal date of their national (vendor) certifications; his interpretation of the current Maine state plan is that most people would be certified at similar times at the outset (by January 1, 2007). Also concerned about funding of training, as well as funding for electronic versions and quality assurance. Inquiring whether the ESCB will provide cards and updates free-of-charge.

Response/ Board Action: Commenter was advised, and the Board responds that: the process and timeline for certification set forth in the Rules is a logical means of implementing the statutory requirement. “Staggering” may occur over time with new 911 telecommunicators, etc.; the statute states that funding will be availed for EMD training and protocols. Further specifics are outside of the purview of these Rules. No change to the Rule made.

Greg Hamilton, Westbrook Police – Checks in on the implementation date of January 1, 2007.

Response/ Board Action: Commenter was advised that the statute set that date, and that EMS and ESCB are making progress towards it. No change in the Rules was requested or required.

Linda Dunno, Hancock County (RCC) & Maine chapter of the National Emergency Number Association (NENA) – Asks about the logistics for Cardio-Pulmonary Resuscitation (CPR) training for those dispatchers who do not already have it: how will that training be offered, by whom, at whose cost, etc.

Response/ Board Action: Commenter was advised, and Board responds that CPR training is consistent with national standards and the functions of the EMD position, and is referenced by the Rules, though the logistics are not, and details are being worked on internally by the EMS, ESCB, and the PSAPs. No change in the Rules was requested or required.

Bill Zito, Mid-Coast EMS – Inquiring about whose responsibility and by what practice Continuing Education Hours will be tracked (State or Region). Also wanted to know whether there would be a State Bureau of Identification (SBI) background check as a part of the “history of criminal convictions” (line 565).

Response/ Board Action: Commenter was advised, and Board responds that: the process for tracking continuing education will be consistent with Maine EMS practices, and is outside of these Rules; the criminal background checks will take place, in accordance with the EMD Statute, Statute 90-A, and these Rules. No change in the Rules was requested or required.

Tony Attardo, Scarborough Fire – Asks for clarification regarding the provision of two Category 9 hours for holding an EMS license. Curious about whether there should be differential levels of hours allotted for EMS provider credit towards EMD renewal (line 550)

Response/ Board Action: The Board considered the policy wording, and found that continuing education on Medical Topics is equally applicable to EMD regardless of the EMS Provider level. No change was made.

Anthony Favreau, South Portland – Suggests that there be more dual credit between EMS provider and EMD provider continuing education process. Also asks about the examination process.

Donnie Carroll, Southern Maine EMS – Concerned about the logistics of differentiation between EMD and EMS medical topics in continuing education hours' allotment.

Response/ Board Action: The Board considered this issue and concluded that Maine EMS Category 2 (Medical Topics) is substantially equivalent to Maine EMS Category 9 (EMD Medical Topics), therefore the Rule was changed to replace Category 9 with Category 2 (line 535), and also struck lines 550 – 557, since those were no longer relevant.

Jon Leighton, Southern Maine EMS – Regarding the continuing education categories and tracking (line 534, etc.), he asks about the approval process, including whether it would emanate from the regions or the state, and what the criteria will be for approval.

Response/ Board Action: See response to Mr. Zito, above. In addition, Mr. Leighton was advised that the criteria are being developed. No change in the Rules was requested or required.

§ 5.

Jon Leighton, Southern Maine EMS – Also asking for clarification about the ninety (90) day window for re-licensure following expiration (line 582).

Response/ Board Action: See response to Mr. Hunt in Chapter 3-A, Section 5. No change in the Rules was requested or required.

Ed Hunt, Cape Elizabeth Public Safety – Concerned about possibility (based on an actual anecdote) of a class being cancelled, or another conflict, thereby an individual's EMD certification lapsing. Suggests enrollment itself tying in with the timeframe, and allowing individual to continue practice (line 582).

Response/ Board Action: The Board considered this suggestion, and if a course is used towards recertification, it must have been taken prior to the expiration of the certification. No change was made.

Following review and responses, the Board adopted Chapter 5-A with the following additions, deletions or changes to the proposed draft:

§ 3.2.B: Struck redundant “§” symbol; struck “Chapter 3-A of-;” capitalized Rules (*clerical*)

§ 3.2.C: Struck redundant “§” symbol; capitalized Rules (*clerical*)

§ 3.2.E: Struck trailing “and” (*linked with reformatting in 3.2.F*)

§ 3.2.F: Reformatted to be 3.3 and changed the beginning of sentence: “Reports the dispatcher’s [termination or resignation]...” to read “A dispatcher must report his or her [termination or resignation]...” (*provides better clarity per the Board*)

§ 4.2: Replaced “has met the requirements of §5.3” with “is otherwise qualified for certification.” (*provides better clarity per AAG & MEMS staff*)

§ 4.2.D.2: Inserted “Except for those applicants who receive certification prior to January 1, 2007” before “If the Board-approved initial course...” (*provides better clarity per AAG & MEMS staff*); Changed “which” to “that;” changed a subsequent “that” to “the test” (*clerical*)

§ 4.3.D.2.b: Changed “Category 9 – EMD Medical Topics” to read “Category 2 – BLS Topics,” and changed the numbering for the following categories accordingly (*Cat 2 deemed equivalent to Cat 9 by Board*)

§ Section 4.3.D.2.c: Deleted the paragraph beginning “A holder of a current Maine EMS license...” (*no longer necessary following change to Category 2*)

§ Section 4.3.D.5: Changed “juvenile adjudications and civil infractions” to read “juvenile adjudications which, if committed as an adult are punishable by one (1) year or more, and civil infractions involving alcohol or drugs.” (*recommended by AAG legal counsel*)

The Board passed a specific motion in regards to Continuing Education Hour (CEH) categories as it found that the current EMS CEH Category 2 – BLS Topics was essentially the same as the proposed Category 9 – EMD Medical Topics.

Motion: The Board finds that the current EMS CEH Category 2 – BLS Topics is essentially the same as the proposed Category 9 – EMD Medical Topics and that Chapter 5-A §4.3.D.2.b of the proposed rules be amended to read “Category 2 – BLS Topics,” (Beals: second by McKenney) Unanimous

Motion: To adopt Chapter 5-A of the Maine EMS rules regarding Emergency Medical Dispatch with the additions, deletions or changes noted above, and to approve the responses to public hearing comments concerning Chapter 5-A, as contained in these minutes (Kneeland; second by McKenney) Unanimous.

Chapter 9-A – Emergency Medical Dispatch Training, Instructors and Continuing Education Programs

§1.

Adam Miceli, Rockland Fire & EMS – Inquires about the actual training curriculum is. Concerned that issues may exist in terms of integration of current systems with new or proposed ones.

Response/ Board Action: Commenter advised about the drafting and process for the development of those criteria. No change in the Rules was requested or required.

Jim Ryan, Penobscot RCC – Asks about the process for recertification, in terms of what agency will be recertifying individuals (national or state entity). Wants to ensure that national recertification processes mirror the state's requirements. Expresses desire to minimize impact or burden on PSAP operations (staffing, etc.).

Response/ Board Action: Commenter advised that the Rule implements a statutory requirement for recertification by the State. No change in the Rules was requested or required.

Linda Dunno, Hancock County (RCC) & Maine chapter of the National Emergency Number Association (NENA) – Asks if Maine is looking at seeking its EMD certification's acceptance in other states, and vice-versa.

Response/ Board Action: Commenter advised that reciprocity is provided for in the Rules and the application forms being developed. No change in the Rules was requested or required.

Donnie Carroll, Southern Maine EMS – Asking about the process for approving individuals for Maine EMD certification based on their existing national certifications (line 607); he and Tony Attardo (Scarborough Fire) expresses some concern about the timeframe for implementing statutory certification requirements.

Response/ Board Action: Described the certification process, and the statutory requirements including the timeline. No change in the Rules was requested or required.

Lt. Janine Roberts, Portland Police – Asks if passing a competency exam could prove equivalency and achieve Maine EMD certification.

Response/ Board Action: The Board considered and rejected the suggestion, since it is not in accordance with national standards and is inconsistent with other Maine EMS licensing policies and procedures. No change made.

Anthony Favreau, South Portland – Concerned about conflicts in certification and expiration dates between Maine and National EMD certification. Also asks for a status report on the approval of existing national training and dispatch protocols for EMD.

Response/ Board Action: Commenter advised that Maine EMS only has control over its own dates, and the Board agrees that it would be logistically impossible to align Maine dates with the plethora

of certification or expiration dates set by national vendors. The process for approving existing programs and protocols was described. No change in the Rules made.

§ 3.

Anthony Favreau, South Portland – Curious about the process for approval of on-line continuing education.

Response/Board Action: Commenter advised that on-line continuing education is provided for in the Rules, and the current Maine EMS process was described. No change in the Rules was requested or required.

Following review and responses, the Board adopted the proposed changes to Chapter 9-A with the following additions, deletions or changes to the proposed draft:

§ 1.1.A.: Changed “which in itself...” to read “which, alone...” *(clerical)*

§ 1.3: Changed “Refresher courses for recertification must have a final evaluation that will be the responsibility of the instructor to supervise” to read “Refresher courses for recertification must have a final evaluation. The instructor has the responsibility to supervise the evaluation.” *(clerical)*

§ 1.4: Changed “Out-of-state courses and certifications will be judged on a case-by-case basis using a comparison of Maine EMS-approved curricula.” to read “Out-of-state courses and certifications will be evaluated on a case-by-case basis comparing them with Maine EMS-approved curricula.” *(clerical)*

§ 2: Omitted the “1.” Numbering since this is there are no other subheadings under § 2. *(clerical)*

§ 3.1.A: Changed “before the program is to begin” to read “before the program begins.” Also changed “after they have occurred” to read “after the courses have been conducted.” *(clerical)*

§ 3.1.C: Changed “The instructor must be qualified to instruct the topic” to read “The instructor must be qualified by education, training, and experience to instruct the topic” *(clerical – provides better clarity per AAG)*

§ 3.3: Struck the word “significant” in the phrase “if there are no significant changes.” *(clerical – provides better clarity per AAG)*

Motion: To adopt Chapter 9-A of the Maine EMS rules regarding Emergency Medical Dispatch with the additions, deletions or changes noted above, and to approve the responses to public hearing comments concerning Chapter 9-A, as contained in these minutes (Beals; second by Woods) Unanimous.

Overall Comments:

The following general comments were either not covered by the Rules, addressed by the Statute, related to other public safety communications issues in the state of Maine, and/or under the purview of the ESCB. Clarifications, descriptions, and referrals were made. No specific changes to the proposed Rules were requested or required.

PSAP vs. non-PSAP issues

Rick Petrie; Kennebec Valley EMS (KVEMS) – Expressed concern about possibility that PSAP could send out calls for EMD, and thereby would not have accountability for quality assurance, etc.

Capt. Raymond Lafrance, Androscoggin Sheriff's Department – Advocates for the ability to transfer a call to a non-PSAP entity, using the example of United Ambulance, listening in while that non-PSAP entity EMD's the call.

Peter Bragdon, Androscoggin Sheriff's Department – Re-iterates concern about the ability to transfer the call, particularly due to staffing and volume constraints, in light of liability concerns.

Phil McGouldrick, Cape Elizabeth Fire / Rescue (*with others*) – Asks for clarification on the PSAP vs. non-PSAP issue of which agencies can provide EMD.

Advocacy for approval of specific EMD protocol or training program

Capt. Raymond Lafrance, Androscoggin Sheriff's Department – Concerned about whether the program they are using, National Emergency Communications Institute (NECI) will be approved. They had sought approval from the state in the past, and had the impression from the Emergency Services Communications Bureau (ESCB) recognized NECI at the time of their original inquiry. They found a key advantage of NECI was the ability to train-the-trainer and thus have an in-house instructor. He advocates that the Maine EMS Board approve this program for continued use.

Kathy Roy, Lewiston-Auburn 9-1-1 – Also advocating for approval for NECI, including the fact that they provide the flexibility to create one's own cards, and the fact that they are more economical.

Miscellaneous comments regarding the EMD implementation process in Maine

Terry Delano, Lewiston-Auburn 9-1-1 – Requests guidance on training and other standards approved by the Board, especially in a way that stays the same for some period of time, rather than changing frequently.

Jim Ryan, Penobscot County RCC – Expresses his hope that the state recognize national certifications of already-trained PSAP personnel.

Linda Dunno, Hancock County RCC – Expresses concern regarding the ability to get all her personnel trained (her PSAP is not currently doing EMD) in enough time to comply with the law – she is also concerned with the costs that PSAPs will bear in terms of overtime staffing, etc, especially due to the tight timeline set forth by statute.

Lt Scammon & Chief Bracy, York Police – Discussed their pleasure that the state standards and medical oversight might address some needs at the local or regional level.

The Board reviewed the aforementioned general comments that were: not covered by specific sections of the Rules; are related to the Statute; concern other public safety communications issues in the state of Maine; or, are under the purview of the Emergency Services Communications Board. No changes to the proposed rules were required.

Motion: To approve the response to public hearing general comments regarding Emergency Medical Dispatch rulemaking (Doughty; second by Cassidy) Unanimous.

The Board then discussed the effective date of the rules and the need to authorize staff and the AAG to make clerical changes to the adopted rules to ensure consistency and accuracy.

Motion: That the Boards sets an effective date of September 1, 2006 for the changes to Chapter 2 of the Maine EMS Rules and the adopted chapters 3-A, 5-A & 9-A; and that the Board authorizes staff and the Assistant Attorney General to make those clerical changes to the rules as necessary to ensure consistency and accuracy of the rules (Woods; second by Cassidy) Unanimous

Following the rules review and adoption, David Kingdon recommended that the Board approve the Emergency Medical Dispatch training programs offered by Medical Priority Dispatch (a.k.a National Academy of Emergency Dispatch) and Powerphone as courses leading to Emergency Medical Dispatcher (EMD) certification. He also recommended that a Maine EMS approved version of the National Emergency Communications Institute (NECI) training program be approved. This recommendation comes as a result of the review of the programs by Maine EMS staff and the EMD Advisory Committee.

Motion: That the Board approves Medical Priority Dispatch (a.k.a National Academy of Emergency Dispatch), Powerphone and the Maine EMS-approved version of the National Emergency Communications Institute (NECI) training program as Emergency Medical Dispatch courses leading to Emergency Medical Dispatcher (EMD) certification (Beals; second by McKenney) Unanimous

Kingdon then distributed and explained the August 2, 2006 Medical Priority Reference System that includes protocol and training components (the Quality Assurance component is a work-in-progress and will be presented to the Board at a later meeting). The following changes were made to the draft document prior to approval:

- Change “Training – Instructor Requirements” heading to “Training –Requirements for Supervising Instructor”;
- Require that a Supervising Instructor be currently certified at or above the EMT-Basic level;
- Add “D.O” to list of currently certified persons who may act as a Supervising Instructor;
- Replace “should” with “shall” in the practical exercise sentences to read:
 - Every student shall participate in the exercises
 - Every guide card / protocol shall be covered by at least one scenario during the course.

Motion: To approve the August 2, 2006, Emergency Medical Dispatch Priority Reference System document as submitted by staff and with the following changes: Change “Training – Instructor Requirements” heading to “Training –Requirements for Supervising Instructor”, Require that a Supervising Instructor be currently certified at or above the EMT-Basic level, Add “D.O.” to list of currently certified persons who may act as a Supervising Instructor; Replace “should” with “shall” in the practical exercise sentences to read: Every student shall participate in the exercises Every

guide card / protocol shall be covered by at least one scenario during the course (Beals; second by Woods) Unanimous

b. Investigations Committee Action Items

The Board reviewed the June 15, 2006 Investigation Committee minutes.

Motion: That Inre: Case 05-06, The Board authorizes the Assistant Attorney General to negotiate the terms of a consent agreement with the Licensee (Doughty; second by Knowlton) Unanimous

Motion: To ratify the minutes of the June 15, 2006 Investigations Committee meeting (Kneeland; second by Azzara) Unanimous

The Board then discussed the July 27, 2006 Investigation Committee minutes

Motion: Re: applicant James Rogers, the Board ratifies the terms of the consent agreement and directs that "aggravating circumstances exist in that Applicant engaged in conduct that could have resulted in serious injury or death to himself or another person" be deleted from the Investigations Committee minutes and Consent Agreement (Doughty; second by Cassidy) Unanimous

Motion: To ratify the minutes of the July 27, 2006 Investigations Committee meeting (McKenney; second by Kneeland) Unanimous

Laura Yustak Smith, AAG, informed the Board about the status of the Warren appeal of the Board's decision to uphold the interpretation of staff concerning whether inmates at the Maine State Prison in Warren were considered members of the public for the purposes of EMS care and transport, and the Board's decision to deny a waiver request by the Warren Ambulance Service to not respond to the Prison.

Kennebec County Superior Court Justice Marden affirmed the Board's interpretations of the Maine EMS rules, but reversed the Board's decision on issuance of a waiver, stating that the Board abused its discretionary power by not issuing the waiver. Upon direction of Board Chair Leach and with the support of Director Bradshaw, Commissioner Cantara and the Office of the Attorney General, Yustak Smith filed an appeal in the Maine Law Court on behalf of the Board.

Motion: That the Board declines to issue a waiver to Warren Ambulance Service and affirms going forward with the appeal by the Board of the Kennebec County Superior Court's decision ordering the Board to issue a waiver to the Warren Ambulance Service as set forth in the Court's July 13, 2006 Decision and Order, Inre: Docket No. AP-05-59 (Werts; second by Pillsbury) Carries 10 - 0 - 1, Beals abstains

Drexell White reported that Maine EMS is pursuing a contract with an investigator currently working with the Maine Board of Dental Examiners in order to assist the office with the backlog of investigations. It is hoped that the investigator will be able to begin work on behalf of Maine EMS by fall 2006.

c. Committee Reports

i. Ops Team

The Ops Team did not meet in August, but will meet in September. The Team continues to conduct Tuesday morning conference calls between meetings

ii. Education

Carol Pillsbury distributed Education Committee minutes and briefed the Board on work being done in the area of the Paramedic Interfacility Transfer Module (PIFT), that is being currently being Beta tested.

There was also discussion concerning the committee's anticipated work on Hazmat training.

iii. Exam Committee

Drexell White reported that the committee met in July and discussed the progress of the Computer Adaptive Testing Project. Test sites anticipated include Westbrook, Fairfield, Bangor, Machias and Presque Isle. White stated that Jay Bradshaw was attending a conference in Atlanta, GA, sponsored by the National Registry of EMT concerning the Computer Adaptive Testing.

Jay Bradshaw returned from Atlanta in time to give a synopsis of his meeting with the National Registry of EMT (NREMT) in Atlanta. He described the results of the NREMT's Beta test for the upcoming Computer Adaptive Testing (CAT). He stated that the Beta test consisted of 1,000 participants at the EMT and Paramedic level. He indicated there was an issue with one computer site where the computer crashed. However, 93% of the candidates were able to get the location and time of his or her choice, and pass rates were slightly higher than the written test (although Registry officials predict that will level off with a greater sampling of candidates). The DVD for training programs will be out as soon as final edits are made, plus the information will be available on the NREMT website.

iv. Quality Improvement Committee

Dr. Diaz reported that the Airway QI goes live statewide on September 1, 2006. Work is also progressing on a 12-lead training program that will dovetail with the MEMS Cardiac Advisory Committee and the Dirigo Health Heart Safety goals. The committee also discussed the growing burden on the EMS system by mental health patients.

There will be no QA meeting in August.

d. Waiver Request: Cameron Martin

This item tabled as Mr. Martin requested to be present for the discussion and was unable to attend this month's meeting.

e. Other

i. Appointment of Kevin Kendall as Region 2 Medical Director

Kevin Kendall's name has been submitted by the Tri-County EMS region (Region 2) for appointment as regional medical director.

Motion: To appoint Kevin Kendall M.D., as the Tri-County EMS Regional Medical Director (McKenney; second by Doughty) Carries 10-0-1, Pillsbury abstains.

- ii. Cloture

Staff has been informed that cloture dates for department and agency bills is September 1, 2006 for submission of bill titles with preliminary drafts to the Governor's office by October 2, 2006.

- 4. Staff Reports

- a. MEMS Report

- i. Education Coordinator Position –

Staff reported that Scott A. Smith, BSN, EMT-P has accepted the Education Coordinator position. Scott, a Maine licensed paramedic who previously worked in eastern Maine, currently works as a flight medic and educator in North Carolina. He will be joining the Maine EMS staff in early September.

- ii. MEMSRR Update

Ben Woodard reported that the National Emergency Medical Services Information System (NEMSIS) began testing electronic run reporting and data software in May 2006 for compliance and operability with the NEMSIS dataset. Image Trend, Maine's e-run reporting vendor received "gold-level" compliance (i.e., the highest level of compliance contained within the evaluation).

Current services using MEMSRR are helping to define the data elements unique to Maine. There are 12 services currently using MEMSRR with over 8000 records entered to date.

Services using MEMSRR are taking advantage of the system's ability to allow creation of customized data reports.

MEMSRR Project next steps are to create and distribute a newsletter and brochure about the system.

- iii. Inspection Update

Dawn Kinney reported that she is still limiting inspections to one day per week due her role in addressing education coordinator issues (while that position is vacant.) She stated that she is also distributing information during inspections about the electronic run reporting project.

- iv. Other

- 1. Board Member Vacancies

Staff reported that Southern Maine EMS and Tri County EMS have submitted recommendations to the Governor's office for Board member representatives.

- 2. Journal of Maine EMS

Staff reported that Medical Care Development (MCD), the non-profit Augusta based organization that has published the Journal of Maine EMS since 1991, has notified Maine EMS that it will cease

its role as publisher after the fall 2006 issue. Jay Bradshaw is working on a Request For Proposal (RFP) to continue publication.

b. Medical Director Report

i. MDPB

Dr. Diaz reported that the MDPB reviewed its annual goals at its last meeting and began dividing up protocols among MDPB members in anticipation of the next Maine EMS protocol revision.

The MDPB spent the most of its time on the pandemic flu. He said that it is clear in the national/state initiative that EMS is a level 1 provider concerning anti flu treatment and vaccinations, but that it is not clear about EMS' role regarding what triggers the switch from business as usual to a pandemic response mode. Dr. Diaz met with Don Ward of Maine CDC about the concerns and worst-case scenarios. Ward will be setting up a meeting with Dr. Diaz, Jay Bradshaw and a hospital representative to begin working out a model and protocols for EMS.

The MDPB will forego its September meeting so that members may attend the Pandemic Flu conference to be held in Augusta on September 20th.

ii. Other – Nothing to Report

5. Old Business

a. Continue Work on EMS Study Phase 1 Report

The Board discussed the need to move forward with the EMSSTAR work. The Board's sub committee has not met since the July 10, 2006 Board meeting in anticipation of information from the state planning office.

The charge of the committee was discussed and it was the Board's consensus that it July 10, 2006 motion concerning the committee's charge empowered the committee to explore all options and make recommendations back to the Board. The subcommittee will meet briefly after today's meeting to set its next meeting date.

b. Board Policies

Staff reported that the Board work concerning Board Policies was tasked originally to John Alexander, who is no longer a Board member. Carol Pillsbury indicated that she and Steve Diaz were also working with Dr. Alexander on the project. There was general discussion about the need to continue the work. Carol Pillsbury, Steve Diaz and Roy Woods will continue the project and will report back to the Board in the coming months.

There was also Board interest expressed about updating/providing the "Board Member Book" that has been provided to new Board members. Some members did not recall receiving the "book" upon their appointment to the Board.

c. Conflict of Interest Policy

This topic was included in the “Board Policies” discussion. AAG Yustak Smith provided instruction and guidance concerning conflict of interest issues. The Board Policies workgroup will also address the conflict of interest policy

6. Other

a. AAG Information

Laura Yustak Smith provided information about the Consent Agreements to the Board and their use in resolving investigations. She also reviewed Board members roles and responsibilities and the need of Board members to ask the questions necessary to arrive at an informed decision.

b. Meeting Times

Board member Roy Woods expressed concern about the time spent traveling to and from Board meetings for members who live a great distance from Augusta. He suggested that perhaps the Board meeting could span an afternoon and following day in order to make the best use of travel time. Several members stated that their schedules do not permit such a format. The option to attend meetings via videoconferencing was reiterated.

c. Set Time for Next Meeting (Wednesday September 6, 2006)

The Wednesday, September 6, 2006 Board of EMS meeting will be held from 9:00 a.m. to 3:00 p.m., in the de Champlain conference room.

The meeting was adjourned at 2:50 p.m.